1 2 3 4 5	Ronald L. Richman, SBN 139189 Susan J. Olson, SBN 152467 BULLIVANT HOUSER BAILEY PC 601 California Street, Suite 1800 San Francisco, California 94108 Telephone: 415.352.2700 Facsimile: 415.352.2701 E-Mail: ron.richman@bullivant.com E-Mail: susan.olson@bullivant.com
6	Attorneys for Plaintiffs
7	UNITED STATES DISTRICT COURT
8	NORTHERN DISTRICT OF CALIFORNIA
9	NORTHERN DISTRICT OF CALIFORNIA
10	BOARD OF TRUSTEES OF THE CEMENT Case No.: C 10-3343 LB
11	MASONS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA; BOARD OF TRUSTEES OF THE CEMENT MANAGEMENT CONFERENCE;
12	MASONS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA;
13	BOARD OF TRUSTEES OF THE CEMENT MASONS PENSION TRUST FUND FOR
14	NORTHERN CALIFORNIA; AND BOARD OF TRUSTEES OF THE CEMENT MASONS
15	TRAINING TRUST FUND FOR NORTHERN CALIFORNIA,
16	Plaintiffs,
17	V.
18	C AND C CONCRETE, INC. a California
19	corporation and JOSE R. HERRERA, JR., an individual,
20	Defendant.
21	
22	STATEMENT
23	Plaintiffs filed their Complaint for Breach of Collective Bargaining Agreement, To
24	Recover Unpaid Trust Fund Contributions, for Breach of Fiduciary Duty and for a Mandatory
25	Injunction ("Complaint") on July 29, 2010, seeking to recover past due employee fringe benefit
26	contributions on behalf of C and C Concrete, Inc.'s covered employees.
27	
28	

1	Defendants were served on August 6, 2010. Defendants failed to file a responsive
2	pleading. On September 3, 2010 Plaintiffs filed their Request For Clerk's Entry of Default. On
3	September 8, 2010 The Request for Clerk's Entry of Default was granted.
4	Recently, Defendants have been in direct negotiations with the Plaintiffs in an attempt to
5	resolve the matter prior to further litigation. Plaintiffs respectfully request that this Court allow
6	the parties an additional 30 days to attempt to settle the case.
7	Based on the above, Plaintiffs respectfully request that this Court continue the Case
8	Management Conference for 30 days at which time either Plaintiffs can report to the Court that
9	the case is settled or Plaintiffs will file their Motion for Default Judgment.
10	DATED: November 10, 2010
11	BULLIVANT HOUSER BAILEY PC
12	
13	By Robbit Birthman
14	Ronald L. Richman Susan J. Olson
15	Attorneys for Plaintiffs
15 16	Attorneys for Plaintiffs ORDER
16	ORDER
16 17	ORDER Pursuant to Plaintiffs' request and good cause appearing: IT IS HEREBY ORDERED that the Case Management Conference be continued to January 13, 2011, Courtroom 4, Oakland at 1:30 p.m. The parties shall file a Joint CMC
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STATEMENT IN LIEU OF CASE MANAGEMENT CONFERENCE; ORDER THEREON